

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

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**December 5, 2003**

**T.R.A. DOCKET ROOM**

IN RE: Implementation of Federal )  
Communications Commission's Triennial )  
Review Order (Nine-month Proceeding) )  
(Switching) )  
)

Docket No. 03-00491

**NEWSOUTH'S RESPONSES TO BELL SOUTH'S  
FIRST SET OF INTERROGATORIES**

Subject to the General Objections previously filed NewSouth Communications Corp. ("NewSouth") submits the following responses to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") First Set of Interrogatories to NewSouth.

REQUEST: BellSouth First Set of Interrogatories

DATED: **December 2, 2003**

Interrogatory 1: Identify each switch owned by CLEC NAME that CLEC NAME uses to provide a qualifying service anywhere in (Insert State Name), irrespective of whether the switch itself is located in the state and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch.)

Response: **Begin Confidential – Subject to Protective Order**

To the extent that the definitions of “qualifying service” and “non-qualifying service” as defined by BellSouth in BellSouth’s First Set of Interrogatories to NewSouth are different than the definitions of “qualifying” and “non-qualifying” service as defined in 47 C.F.R. § 51.5, this interrogatory is vague. Specifically, 47 C.F.R. § 51.5 defines a “qualifying service” as “a telecommunications service that competes with a telecommunications service that has been traditionally the exclusive or primary domain of incumbent local exchange carriers (“ILECs”), including, but not limited to, local exchange service, such as plain old telephone service (“POTS”), and access services, such as digital subscriber line services and high capacity circuits.” “Non-qualifying services” are defined as services that are “not qualifying service[s].” Id. Subject to the foregoing, and without waiving any objection, NewSouth will construe the terms contained in this interrogatory, and all other interrogatories, in accordance with 47 C.F.R. § 51.5 and applicable law and consider all traditional local telecommunications service as a “qualifying” service and all traditional long distance service as “non-qualifying” service.

Subject to the foregoing and pursuant to Section 1.340(c), (**Insert State Name**) Rules of Civil Procedure, see Confidential Attachments 1. This attachment provides information on “Class 5” switches used (and owned) by NewSouth. NewSouth’s switches are not capable of providing service to mass market customers because they do not have the necessary connectivity (i.e., line-side analog ports). NewSouth utilizes these switches to provide service to “enterprise” customers by purchasing DS1 circuits from BellSouth.

**End Confidential - Subject To Protective Order XXX.**

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 2: For each identified response in Interrogatory No. 1, please:

- (a) provide the Common Language Location Identifier ("CLLI") code of the switch;
- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG.

Response:

**Begin Confidential - Subject To Protective Order XXX.**

See response to Interrogatory No. 1 and confidential attachment 2, *supra*.

**End Confidential - Subject To Protective Order XXX.**

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 3: Identify any other switch not previously identified in Interrogatory No. 1 that CLEC NAME uses to provide a qualifying service anywhere in (Insert State Name), irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch.) In answering this Interrogatory, do not include ILEC switches used by CLEC NAME either on an unbundled or resale basis.

Response: NewSouth incorporates by reference its response to Interrogatory No. 1 as if fully set forth.

Subject to the foregoing, none.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 4: For each switch identified in response to Interrogatory No. 3, please:

- (a) Identify the person that owns the switch;
- (b) Provide the Common Language Location Identifier ("CILLI") code of the switch;
- (c) Provide the street address, including the city and state in which the switch is located;
- (d) Identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (e) Describe in detail the arrangement by which you are making use of the switch, including stating whether you are leasing the switch or switching capacity on the switch;
- (f) Identify all documents referring or relating to the rates, terms and conditions of CLEC NAME's use of the switch;
- (g) Provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG;

Response: No switches were identified in response to Interrogatory No. 3.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 5: Identify by name, address and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in (Insert State Name) utilizing any of the switches identified in response to Interrogatory No. 1. If you assert that you do cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

Response: NewSouth incorporates by reference its response to Interrogatory No.1 as if fully set forth.

Subject to the foregoing, **Begin Confidential – Subject to Protective Order**

Please see Attachment 3.

**End Confidential - Subject To Protective Order XXX.**

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 6: For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory #1.

Response: NewSouth does not maintain customer information at the BellSouth wire center.

**Begin Confidential – Subject to Protective Order**

NewSouth does maintain customer counts at the District Sales Office level. Please see Attachment 4.

**End Confidential - Subject To Protective Order XXX.**

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 7: With regard to the voice grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 6, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-g grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice- grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice- grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice- grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines;
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines.

Response: CLEC NAME incorporates by reference its response to Interrogatory No.1 as if fully set forth. Please see NewSouth's response to Interrogatory 6.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 8: Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in (Insert State Name) utilizing any of the switches identified in response to Interrogatory No. 3. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user is located.

Response: CLEC NAME incorporates by reference its response to Interrogatory No.1 as if fully set forth. No switches were identified in response to Interrogatory 3.

Provided by: Jake E. Jennings

REQUEST: Bellsouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 9: For each ILEC wire center identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory No. 3.

Response: No switches were identified in response to Interrogatory 3.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 10: With regard to the voice-grade equivalent lines identified by ILEC wire center area (or LEC exchange) in response to Interrogatory No. 9, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent lines;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent line;
- (c) The number of end user customers to whom you provide three (3) voice- grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice- grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice- grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice- grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice- grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice- grade equivalent lines;
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

Response:

No switches were identified in response to Interrogatory 3.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 11: Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in (Insert State Name) using an ILEC's switch either on an unbundled or resale basis. If you assert that you cannot identify or do not know how to ascertain the boundaries for a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

Response: NewSouth incorporates by reference its response to Interrogatory No.1 as if fully set forth.

Subject to the foregoing, NewSouth tariff allows NewSouth to provide service within the state area.

The requested information is in the possession, custody and control of BellSouth. Assuming BellSouth will provide such information and documentation to NewSouth, NewSouth will confirm or deny the information contained in BellSouth's records.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 12: For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center using an ILEC's switch either on an unbundled or resale basis.

Response: NewSouth incorporates by reference its response to Interrogatory No.1 as if fully set forth.

Please see NewSouth's response to Interrogatory 11.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 13: With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory No. 12, separate the lines by end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent line;
- (c) The number of end user customers to whom you provide three (3) voice- grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice- grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice- grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice- grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines;
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

Response: CLEC NAME incorporates by reference its response to Interrogatory No.1 as if fully set forth.

Subject to the foregoing, please see answer to Interrogatory 11.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 14: Do you offer to provide or do you provide switching capacity to another local exchange carrier for its use in providing qualifying service anywhere in the nine states of the BellSouth region? If the answer to this Interrogatory is in the affirmative, for each switch that you use or provide such switching capacity, please:

- (a) Provide the Common Language Location identifier ("CLLI") code of the switch;
- (b) Provide the street address, including the city and state in which the switch is located;
- (c) Identify the type of switch by manufacturer and model (e.g., Nortel DMS 100.)
- (d) State the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) State the number of voice-grade equivalent lines the switch is currently serving, based on the switch's existing configuration and component parts; and
- (f) Identify all documents referring to or relating to the rates, terms and conditions of CLEC NAME's provision of switching capability.

Response: Specifically with respect to subpart (f), CLEC NAME objects on the basis that this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Documents referring to the terms of NewSouths's provisioning of switching for Comcast are not relevant given the prior explanation.

CLEC NAME incorporates by reference its response to Interrogatory No. 1, as if fully set forth. Subject to the foregoing, and without waiving any objection, NewSouth does not offer wholesale unbundled switching to other carriers.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 15: Identify every business case in your possession, custody or control that evaluates, analyzes or otherwise refers or relates to the offering of a qualifying service using:

(1) the Unbundled Network Element Platform (UNE-P), (2) self-provisioning switching, (3) switching obtained from a third party provider other than an ILEC, or (4) any combination of these items.

Objection: CLEC NAME objects to this interrogatory to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence.

Pursuant to the *Procedural Order*, the Triennial Review Order, Rule \_\_\_\_\_ (Insert State Name) Administrative Code, and Rules 1.280 and 1.340 (Insert State Name) Rules of Civil Procedure, to the extent that this interrogatory requests specific financial, business or proprietary information regarding NewSouth's economic business model, NewSouth objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon NewSouth's economic business model instead of the hypothetical business model contemplated by the Triennial Review Order. The Triennial Review Order explicitly contemplates that in considering whether a competing carrier economically can compete in a given market without access to a particular unbundled network element, the Commission must consider the likely revenues and costs associated with the given market based on the *most efficient business model* for entry rather than to a *particular carrier's business model*. TRO at ¶ 326. In particular, the FCC stated:

In considering whether a competing carrier could economically serve the market without access to the incumbent's switch, the state commission must also consider the likely revenues and costs associated with local exchange mass market service . . . The analysis must be based on the *most efficient business model* for entry rather than to any *particular carrier's business model*.

Id. [Emphasis Added] Additionally, with respect to economic

entry, in ¶ 517, the FCC stated that “. . . [t]he analysis must be based on the most efficient business model for entry rather than to any particular carrier’s business model.” Furthermore, in Footnote 1579 of Paragraph 517, the FCC clarified that “. . . [s]tate commissions should not focus on whether competitors operate under a cost disadvantage. State commissions should determine if entry is economic by conducting a business case analysis for an *efficient entry*.” [emphasis added]

In addition to these statements, the FCC also made numerous other references to the operations and business plans of an efficient competitor, specifically rejecting a review of a particular carrier’s business plans or related financial information. See, ¶ 84, Footnote 275 (“Once the UNE market is properly defined, impairment should be tested by asking whether *a reasonable efficient CLEC* retains the ability to compete even without access to the UNE.”) (citing BellSouth Reply, Attach 2, Declaration of Howard A. Shelanski at ¶2(emphasis added)). See also, TRO at ¶115; ¶469; ¶485, Footnote 1509; ¶517, Footnote 1579; ¶519, Footnote 1585; ¶520, Footnotes 1588 and 1589; ¶581, and Footnote 1788.<sup>1</sup>

Accordingly, the FCC’s *TRO* specifically contemplates the consideration of financial and related information of an *efficient “model” competitor* and not that of CLEC NAME or any other *particular competitor*. As a result, discovery of CLEC NAME financial information or business plans will not lead to the discovery of admissible evidence in this proceeding.

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<sup>1</sup> For the Commission’s convenience, please see Attachment 1 to CLEC NAME’s Response to BellSouth’s Request for Production of Document sets forth the text of these relevant Paragraphs and Footnotes from the *TRO*. Complete text of the Triennial Review Order is available @ [www.fcc.gov](http://www.fcc.gov).

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 16: Identify any documents that you have provided to any of your employees or agents, or to any financial analyst, bank or other financial institution, shareholder or any other person that describes, presents, evaluates or otherwise discusses in whole or part, how you intend to offer or provide local exchange service, including but not limited to such things as the markets in which you either do participate or intend to participate, the costs of providing such service, the market share you anticipate obtaining in each market, the time horizon over which you anticipate obtaining such market share, and the average revenues you expect per customer.

Objection: CLEC NAME incorporates its objection to Interrogatory No.15 as if fully set forth.

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REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 17: If not identified in response to a prior Interrogatory, identify every document in your possession, custody, or control referring or relating to the financial viability of self-provisioning switching in your providing qualifying services to end user customers.

Objection CLEC NAME incorporates by reference its objections to Interrogatory 15 as if fully set forth.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 18: Do you have switches that are technically capable of providing, but are not presently being used to provide, a qualifying service in **(Insert State Name)**? If the answer to this interrogatory is in the affirmative, please:

- (a) Provide the Common Language Location Identifier ("CLLI") code of the switch;
- (b) Provide the street address, including the city and state in which the switch is located;
- (c) Identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) State the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) State the number of voice-grade equivalent lines the switch is currently serving, based on the switch's existing configuration and component parts; and
- (f) Identify any documents in your possession, custody or control that discuss, evaluate, analyze or otherwise refer or relate to whether those switches could be used to provide a qualifying service in **(Insert State Name)**.

Response: Please see NewSouth's response to Interrogatory 1.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 19: Identify each MSA in (Insert State Name) where you are currently offering a qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale or in some other fashion.

Response: NewSouth does not maintain customer information distinguishing between qualifying and non-qualifying services. For a list of areas served by NewSouth, please see NewSouth's response to Interrogatory 6 and 11.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 20: If you are offering a qualifying service outside of the MSAs identified in response to Interrogatory 19, identify those geographic areas either by describing those areas in words or by providing maps depicting those areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, or resale.

Response: Please see NewSouth's response to Interrogatory 19.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 21: Describe with particularity the qualifying services that you offer in the geographic areas described in response to Interrogatories 19 and 20, including the rates, terms, and conditions under which such services are offered. If the qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify the web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms, and conditions upon which such service is provided.

Response: CLEC NAME incorporates it's response to Interrogatory No. 1. Subject to the foregoing, qualifying services offered by CLEC NAME "including the rates, terms, and conditions under which services are offered" can be found in NewSouth's publicly available tariffs on file with the (Insert State Name) Public Service Commission and NewSouth's web page at [www.newsouth.com](http://www.newsouth.com) .

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 22: Identify each MSA in (Insert State Name) where you are currently offering a non-qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, or resale, or in some other fashion.

Response: NewSouth incorporates its responses to Interrogatory No. 1. Subject to the foregoing, please see NewSouth's response to Interrogatory 19.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 23: If you offer a non-qualifying service outside of the MSAs identified in response to Interrogatory 22, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale or in some other fashion.

Response: NewSouth incorporates its responses to Interrogatory No. 1. Subject to the foregoing, please see NewSouth's response to Interrogatory 19.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 24: Describe with particularity the non-qualifying services that you offer in the geographic areas described in response to Interrogatories 22 and 23, including the rates, terms, and conditions under which such services are offered. If the non-qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify the web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms, and conditions upon which such service is provided.

Response: NewSouth incorporates its responses to Interrogatory No. 1, as if fully set forth herein. Given the vague and indefinite definition of non-qualifying services, CLEC NewSouth cannot provide a description of all of the non-qualifying services it offers.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 25: Please state the total number of end user customers in the State of **(Insert State Name)** to whom you only provide qualifying service.

Response: NewSouth NAME incorporates its responses to Interrogatory No. 1 and 19. Subject to the foregoing, please see NewSouth's response to Interrogatory 6 and 12.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 26: For those end user customers to whom you provide qualifying service in the state of (Insert State Name), please state the average monthly revenues you receive from each end-user customer.

Objection: NewSouth incorporates its objection to Interrogatory No. 15, *supra*.

NewSouth incorporates its responses to Interrogatory No. 1 and 19. Subject to the foregoing, please see NewSouth's response to Interrogatory 6 and 12.

**Begin Confidential – Subject to Protective Order**

NewSouth does maintain customer revenue information as listed on Attachment 5.

**End Confidential - Subject To Protective Order XXX.**

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 27: For those end user customers to whom you only provide qualifying service in the State of (Insert State Name), please state the average number of lines that you provide each such end user customer.

Response: NewSouth incorporates by reference its response to Interrogatory No. 1 and 19 as if fully set forth. Subject to the foregoing, and without waiving any objection, please see NewSouth's response to Interrogatory 6 and 12.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 28: Please state the total number of end user customers in the State of **(Insert State Name)** to whom you provide only non-qualifying service.

Response: NewSouth incorporates by reference its response to Interrogatory No. 1 as if fully set forth herein. Subject to the foregoing, and without waiving any objection, please see NewSouth's response to Interrogatory 27.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 29: For those end user customers to whom you only provide non-qualifying service in the State of (Insert State Name), please state the average monthly revenues you receive from each such customer.

Objection: NewSouth incorporates its responses to Interrogatory Nos. 1, 15, and 19 *supra*. Please see NewSouth's response to Interrogatory 26.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 30: Please state the total number of end user customers in the State of (Insert State Name) to whom you provide both qualifying and non-qualifying service;

Response: NewSouth incorporates by reference its response to Interrogatory No.1 as if fully set forth. Subject to the foregoing, and without waiving any objection please see NewSouth's response to Interrogatory 6 and 12.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 31: For those end user customers to whom you provide qualifying and non-qualifying service in the State of (Insert State Name), please state the average monthly revenues you receive from each such end user customer

Objection: NewSouth incorporates by reference its response to Interrogatory No. 1 and 19 as if fully set forth. Subject to the foregoing, and without waiving any objection, please see NewSouth's response to Interrogatory 6 and 12.

Please see NewSouth's response to Interrogatory 26.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 32: For those end user customers to whom you provide qualifying and non-qualifying service in the State of (Insert State Name), please state the average number of lines that you provide each customer.

Response: NewSouth incorporates by reference its response to Interrogatory No.1 as if fully set forth. Subject to the foregoing, and without waiving any objection please see NewSouth's response to Interrogatory 6 and 12.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 33: Please provide a breakdown of the total number of end user customers served by CLEC NAME in (Insert State Name) by class or type of end user customers (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers. For each such classification, and/or if you provide another type of classification, define and describe with specificity that classification so that it can be determined what kinds of customers you have in each classification.)

Response: Please See NewSouth's response to Interrogatory 6 and 12.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 34: For each class or type of end user customer referenced in Interrogatory No. 33, please state the average acquisition cost for each such end user class or type. Please provide this information for each month from January 2000 to the present.

Objection: NewSouth incorporates its objection to Interrogatory No. 15, *supra*.

NewSouth incorporates its responses to Interrogatory No. 1 and 19.

**Begin Confidential – Subject to Protective Order**

NewSouth average acquisition costs for facilities-based service (*i.e.* DS1 and higher) is listed on Attachment 6.

**End Confidential - Subject To Protective Order XXX.**

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 35: For each class or type of end user customer referenced in Interrogatory No. 33, please state the typical churn rate for each such end user class or type. Please provide this information for each month from January 2000 to the present.

Objection: NewSouth incorporates its responses to Interrogatory No 15, *supra* and reiterates that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of NewSouth or any other *particular competitor*. Furthermore, it should be noted that the *TRO* specifically mentions that one consideration of the economic impairment analysis is the potential "impact of churn on the cost of customer acquisitions" for the hypothetical "efficient entrant". Accordingly, NewSouth's "typical churn rate" for a particular user class or type is not relevant or reasonably calculated to lead to the discovery of admissible evidence. See, *TRO* at ¶520.

**XXX Begin Confidential –Subject to Protective Order**

Without waiving objections, please see Attachment 8.

**XXX End confidential –Subject to Protective Order**

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 36: For each class or type of end user customer referenced in Interrogatory No. 33, please state the share of the local exchange market that you have obtained. Please provide this information from January 2000 to the present.

Response: NewSouth, like BellSouth, relies on industry publications assessing "market shares." Upon information and belief, BellSouth has possession, custody, or control of those same industry publications.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 37: Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to your cumulative market share of the local exchange market in (Insert State Name).

Response: NewSouth, like BellSouth, relies on industry publications assessing "market shares." Upon information and belief, BellSouth has possession, custody, or control of those same industry publications.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 38: Identify any documents in your possession, custody or control that evaluate or otherwise refer or relate to any projections that you have made regarding your cumulative market share growth in the local exchange market in (Insert State Name).

Response: NewSouth incorporates its objection to Interrogatory No. 15, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 39: Describe how the marketing organization that is responsible for marketing qualifying service in (Insert State Name) is organized, including the organization's structure, size in terms of full-time or equivalent employees, including contract and temporary employees, and the physical work locations for such employees. In answering this Interrogatory, please state whether you utilize authorized sales representatives in your marketing effort in (Insert State Name), and, if so, describe with particularity the nature, extent, and rates, terms, and conditions of such use.

Response: NewSouth incorporates its objection to Interrogatory No. 15, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 40: How do you determine whether you will serve an individual customer's location with multiple DS0s or whether you are going to use a DS1 or larger transmission system? Provide a detailed description of the analysis you would undertake to resolve this issue, and identify the factors you would consider in making this type of decision.

Response: NewSouth only provides DS1 or larger transmission facilities when utilizing its own switch to provide service.

Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 41: Is there a typical or average number of DSOs at which you would choose to serve a particular customer with a DS1 or larger transmission system? All other things being equal? If so, please describe that typical or average number and explain how that number was derived.

Response: Depending on several factors, including UNE DS1 rates and existing retail prices, NewSouth will typically provide service utilizing its own switch with a DS1 transmission facility or larger to customers that have at least 8 to 10 lines at a minimum. To the extent that BellSouth is requesting business case information, please see NewSouth's response to Interrogatory 15.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 42: What additional equipment, if any, would be required (on the customer's side of the demarcation point rather than on the network side of the demarcation point) to provide service to a customer with a DS1 rather than multiple DS0s? For instance, if a customer had 10 DS0s and you want to provide the customer with the same functionality using a DS1, would a D-4 channel bank, or a digital PBX be required in order to provide equivalent service to the end user that has 10 DS0s? If so, please provide the average cost of the equipment that would be required to provide that functional equivalency (that is, the channel bank, or the PBX or whatever would typically be required should you decide to serve the customer with a DS1 rather than multiple DS0s.)

Response: **XXX Begin Confidential –Subject to Protective Order**

Please See attachment 5.

**XXX End confidential –Subject to Protective Order**

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 43: What cost of capital do you use in evaluating whether to offer a qualifying service in a particular geographic market and how is that cost of capital determined?

Objection: NewSouth incorporates its objections to Interrogatory No 15, *supra* and notes that the FCC's TRO specifically contemplates the consideration of financial and related information of an efficient "model" competitor and not that of NewSouth or any other *particular competitor*.

Furthermore, it should be noted that the TRO mentions that one consideration of the economic impairment analysis is the cost of capital for the hypothetical "efficient entrant." Specifically, ¶520 of the TRO states that the state "must consider all factors affecting the costs faced by a competitor providing local exchange service to the mass market." See also, TRO at ¶520. Accordingly, NewSouth's "cost of capital" used in evaluating whether to offer a qualifying service in a particular geographic market and the analysis in determining the cost of capital is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Finally, because NewSouth is a privately held company, it does not report nor calculate a cost of capital.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 44: With regard to the cost of capital you use in evaluating whether to provide a qualifying service in a particular geographic market, what are the individual components of that cost of capital, such as the debt-equity ratio, the cost of debt and the cost of equity?

Objection: NewSouth incorporates its objections to Interrogatory No15, *supra* and notes that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of NewSouth or any other *particular competitor*.

Furthermore, it should be noted that the TRO mentions that one consideration of the economic impairment analysis is the cost of capital for the hypothetical "efficient entrant." Specifically, ¶520 of the TRO states that the state "must consider all factors affecting the costs faced by a competitor providing local exchange service to the mass market." See also, TRO at ¶520. Accordingly, NewSouth's "cost of capital", or the components thereof, used in evaluating whether to offer a qualifying service in a particular geographic market and the analysis in determining the cost of capital is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Please see NewSouth's response to Interrogatory 43.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 45: In determining whether to offer a qualifying service in a particular geographic market, what time period do you typically use to evaluate that offer? That is, do you use one year, five years, ten years, or some other time horizon over which to evaluate the project?

Objection: NewSouth incorporates its objections to Interrogatory No. 15, *supra* and notes that the FCC's TRO specifically contemplates the consideration of financial and related information of an efficient "model" competitor and not that of NewSouth or any other particular competitor.

Accordingly, NewSouth's determination of whether to offer a "qualifying service in a particular geographic market" and the time periods involved in such evaluation are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

**XXX Begin Confidential –Subject to Protective Order**

Notwithstanding the foregoing NewSouth typically uses a 2 year time horizon for planning purposes.

**XXX End confidential –Subject to Protective Order**

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 46: Provide your definition of sales expense as that term is used in your business.

Response: NewSouth defines sales expense to include personnel and G&A expenses related to the sales organization including, but not limited to, salary, benefits, commission expense, office rent and other G&A expenses incurred by NewSouth's sales force.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 47: Based on the definition of sales expense in the foregoing Interrogatory, please state how you estimate sales expense when evaluating whether to offer a qualifying service in a particular geographic market?

Objection: NewSouth incorporates its objections to Interrogatory No. 15, *supra* and notes that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of CLEC NAME or any other *particular competitor*.

Notwithstanding the foregoing, NewSouth estimates the necessary sales representatives, sales management, and support including related G&A expenses.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 48: Provide your definition of general and administrative (G&A) costs as you use those terms in your business.

Response:

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 49: Based on the definitions of G&A costs in the foregoing Interrogatory, please state how you estimate G&A expenses when evaluating whether to offer a qualifying service in a particular geographic market.

Objection: NewSouth incorporates its objections to Interrogatory No. 15, *supra* and notes that the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient "model" competitor* and not that of CLEC NAME or any other *particular competitor*.

Please see NewSouth's response to Interrogatory 47.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 50: For each day since January 1, 2000, identify the number of individual hot cuts that BellSouth has performed for CLEC NAME in each state in BellSouth's region.

Response: Upon information and belief, BellSouth is in possession of documents and other information requested in Interrogatory Nos. 50 and 51. Assuming BellSouth will provide such information and documentation to NewSouth, NewSouth will confirm or deny the information contained in BellSouth's records.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 51: For each individual hot cut identified in response to Interrogatory No. 50, state:

- i. Whether the hot cut was coordinated or not;
- ii. If coordinated, whether the hot cut occurred as scheduled;
- iii. If the hot cut did not occur as scheduled, state whether this was due to a problem with BellSouth, CLEC NAME, the end-user customer, or some third party, and describe with specificity the reason the hot cut did not occur as scheduled;
- iv. If there was a problem with the hot cut, state whether CLEC NAME complained in writing to BellSouth or anyone else.

Response: Upon information and belief, BellSouth is in possession of documents and other information requested in Interrogatory Nos. 50 and 51. Assuming BellSouth will provide such information and documentation to NewSouth, NewSouth will confirm or deny the information contained in BellSouth's records.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 52: Does CLEC NAME have a preferred process for performing batch hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe or otherwise refer or relate to this preferred process.

Response: Discovery in this case is continuing in nature and any response to this interrogatory is premature. NewSouth is in the process of formulating the case it will present before the Commission and has not formulated a response to this interrogatory at this early stage in the proceeding.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 53: Does CLEC NAME have a preferred process for performing individual hot cuts? If the answer to this interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

Response: NewSouth's preferred process allows the provisioning of loops used for local service to be operationally and competitively neutral, making it the local service counterpart of "equal access" in the long-distance market. This is a process that NewSouth has generically referred to as "electronic loop provisioning" ("ELP"). In this environment, consumers would be able to change their local carrier seamlessly, and no carrier would have an inordinate advantage in competing for a mass market customer's business. Implementation of such an electronic provisioning process would create permanent virtual circuits that could use software commands to shift loops from one carrier to another quickly and inexpensively, with no loss or degradation of service.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 54: State whether CLEC NAME agrees that it jointly developed BellSouth's process for individual hot cuts with BellSouth as set forth in the parties' April 15, 2001 Memorandum of Understanding. If CLEC NAME does not agree, explain why and explain CLEC NAME's view of its involvement in the development of that process.

Response: No, NewSouth did not actively participate in that proceeding to test BellSouth's hot cut process.

Provided by Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 55: If CLEC NAME has a preferred process for individual hot cuts that differs from BellSouth's process, identify each specific step in CLEC NAME's process that differs from BellSouth's process.

Response: See response to Interrogatory No. 53, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 56: If CLEC NAME has a preferred process for bulk hot cuts that differs from BellSouth's process, identify each specific step in CLEC NAME's process that differs from BellSouth's process.

Response: In responding to this Interrogatory, NewSouth assumes that BellSouth is referring to the batch hot cut process as defined in BellSouth's First Set of Interrogatories to CLEC NAME. Accordingly, see response to Interrogatory No. 52.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 57: Does CLEC NAME have any estimates of what a typical individual hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

Response: See response to Interrogatory No. 53, *supra* for NewSouth's preferred individual migration process. NewSouth does not have a specific rate at this time, but as a fully electronic solution, it should be no more expensive than a UNE-P or PIC change.

Provided by:

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 58: Does CLEC NAME have any estimates of what a typical bulk hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

Response: In responding to this Interrogatory, NewSouth assumes that BellSouth is referring to a batch hot cut process as defined in BellSouth's First Set of Interrogatories to NewSouth. That being the case, NewSouth does not have a specific batch rate at this time. However, guidance provided by the FCC suggests that it should be 1) based on TELRIC, TRO at ¶489, low cost, Id. at ¶489, lower than current rates, Id. at ¶487, and comparable to UNE-P, Id. at ¶512, Footnote 1574. See also response to Interrogatory No. 79, *infra*.

Provided by:

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 59: What is the largest number of individual hot cuts that CLEC NAME has requested in any individual central office in each of the nine BellSouth states on a single day? In answering this Interrogatory, identify the central office for which the request was made, and the number of hot cuts that were requested. State with specificity what the outcome was for each of the hot cuts in each of the central offices so described, if not provided in response to an earlier interrogatory.

Response: The requested information is in the possession, custody and control of BellSouth. Assuming BellSouth will provide such information and documentation to NewSouth, NewSouth will confirm or deny the information contained in BellSouth's records.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 60: Does any ILEC in the BellSouth region have a batch hot cut process that is acceptable to CLEC NAME or that CLEC NAME believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

Response: See NewSouth's response to Interrogatory No. 64, *infra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 61: Does any ILEC in the BellSouth region have a cost for a batch hot cut process that is acceptable to CLEC NAME? If so, name the ILEC and provide the rate and the source of the rate.

Response: NewSouth incorporates its response to Interrogatory No.52 as if fully set forth.

Provided by:

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 62: Does any ILEC in the BellSouth Region have an individual hot cut process that is acceptable to CLEC NAME or that CLEC NAME believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

Response: No ILEC in the BellSouth Region has an individual hot cut process that is acceptable to NewSouth.

Provided by:

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 63: Does any ILEC in the BellSouth region have a rate for an individual hot cut process that is acceptable to CLEC NAME? If so, name the ILEC and provide the rate and the source of the rate.

Response: No ILEC has an acceptable rate for an individual hot cut process in BellSouth's region.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 64: Does any ILEC outside the BellSouth region have a batch hot cut process that is acceptable to CLEC NAME or that CLEC NAME believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

Response: ILECs have just begun to provide components or outlines of proposed batch processes in workshops throughout the country; therefore, CLEC NAME does not have sufficient information to respond at this time. However, previous project or bulk processes did have components that were superior to BellSouth's process. For example, Verizon-NY and SBC have "bulk" provisioning processes and allow time specific migrations. Further, Verizon has in place an electronic communications system which offers some advantages over manual phone calls or faxes.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 65: Does any ILEC outside the BellSouth region have a rate for a batch hot cut process that is acceptable to CLEC NAME? If so, name the ILEC and provide the rate and the source of the rate.

Response: NewSouth incorporates its response to Interrogatory Nos. 52 and 64 as if fully set forth.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 66: Does any ILEC outside the BellSouth region have an individual hot cut process that is acceptable to CLEC NAME or that CLEC NAME believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

Response: Discovery in this case is continuing in nature and any response to this interrogatory is premature. NewSouth is in the process of formulating the case it will present before the Commission and has not formulated a response to this interrogatory at this early stage in the proceeding.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 67: Does any ILEC outside the BellSouth region have a rate for an individual hot cut process that is acceptable to CLEC NAME? If so, name the ILEC and provide the rate and the source of the rate.

Response: Discovery in this case is continuing in nature and any response to this interrogatory is premature. NewSouth is in the process of formulating the case it will present before the Commission and has not formulated a response to this interrogatory at this early stage in the proceeding.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 68: Does CLEC NAME order coordinated or non-coordinated hot cuts?

Response: Neither.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 69: Does 'CLEC NAME use the CFA database?

Response: Yes.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 70: Identify every issue related to BellSouth's hot cut process raised by CLEC NAME at the (Insert State Name) CLEC collaborative since October 2001.

Response: NewSouth has not used this forum for hot cut issues, but has primarily focused instead on issues that are most relevant to modes of entry used by NewSouth.

see Attachment 70A for issues raised by NewSouth in the (**Insert State Name**) collaborative. It should also be noted that other CLECs raised issues that were of interest to NewSouth, making it unnecessary for NewSouth to engage in any duplicative efforts.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 71: What is the appropriate volume of loops that you contend the (Insert State Name) Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: NewSouth incorporates its response to Interrogatory No. 52 as if fully set forth.

In addition, NewSouth is currently without sufficient information to answer this interrogatory with an exact volume or number. Furthermore, NewSouth refers BellSouth to ¶489 of the TRO and asserts that the appropriate volume of loops must meet the operational and economic models as defined by the FCC and the TRO. In other words, the requisite volume of loops to meet the TRO and the FCC Rule cited above is that amount required to support demand created by the additional volume of customers added as a result of the implementation of the FCC's TRO, and to ensure unconstrained future growth of competition post TRO implementation.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 72: What is the appropriate process that you contend the (Insert State Name) Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: NewSouth incorporates its response to Interrogatory No. 52 as if fully set forth.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 73: If CLEC NAME disagrees with BellSouth's individual hot cut process, identify every step that CLEC NAME contends is unnecessary and state with specificity why the step is unnecessary.

Response: See response to Interrogatory No. 53, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 74: If CLEC NAME disagrees with BellSouth's bulk hot cut process, identify every step that CLEC NAME contends is unnecessary and state with specificity why the step is unnecessary.

Response: NewSouth disagrees with, at a minimum, the following aspects of BellSouth's process, even as an interim batch process to be used in narrow, tailored circumstances. :

- a. It does not appear to be a batch provisioning process, i.e. all the orders are not provisioned at the same time, or even on the same day.
- b. It does not permit time specific cuts.
- c. It does not allow coordinated cuts if a change of facilities is required.
- d. It does not allow after-business-hours cuts, which are necessary to meet customers need to have uninterrupted telephone phone service during business hours.
- e. There is no assurance that services requested by the CLEC to be migrated on the same "batch" order will in fact be worked on the same day, undermining significantly the ability of the CLEC to impact the quality and timing of the cut-over. Indeed, BellSouth appears to provision its batch orders no differently than its individual orders.
- f. There is no assurance that all of an individual customer's lines will be cut on the same day, creating further customer satisfaction issues. For example, BellSouth could create groups of lines to migrate that included some of one customer's lines and some of another customer's lines but not all of either customer's lines.
- g. BellSouth is unwilling to commit to the number of lines or customers it will provision per day.
- h. BellSouth's process does not provide for any additional

safeguards, such as real-time communication between the two companies during the conversion process, or a process for timely service restoration in the event of a problem.

- i. There are no cost savings to the CLEC from using this process.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 75: Identify by date, author and recipient every written complaint CLEC NAME has made to BellSouth regarding BellSouth's hot cut process since October 2001.

Response: see Attachment No. 75. See also response to Interrogatory No. 70.

Provided by: Jake E. Jennings

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 76: How many unbundled loops does CLEC NAME contend BellSouth must provision per state per month to constitute sufficient volume to assess BellSouth's hot cut process?

Response: See response to Interrogatory No. 71, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 77: What is the appropriate information that you contend the (Insert State Name) Public Service Commission should consider in evaluating whether the ILEC is capable of migrating multiple lines served using unbundled local circuit switching to switches operated by a carrier other than the ILEC in a timely manner in establishing a batch hot cut process consistent with FCC Rule 51.310(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: The FCC's TRO ¶512 and Footnote 1574 outlines the overall or high level criteria that the (Insert State Name) Public Service Commission should consider when evaluating the question posed in Interrogatory No. 77.

In addition to the above, discovery in this case is continuing in nature and the response to this interrogatory may evolve as NewSouth formulates the case it will present before the Commission

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 78: What is the average completion interval metric for provision of high volumes of loops that you contend the (Insert State Name) Public Service Commission should require in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: The FCC's TRO ¶512 and Footnote 1574 outlines the overall or high level criteria that the (Insert State Name) Public Service Commission should consider when evaluating the question posed in Interrogatory #78. According to the FCC's Rules and the TRO, the average completion interval metric for provision of high volumes of loops must be, at a minimum, equal to the order completion interval for UNE-P. See, TRO ¶512, Footnote 1574.

In addition to the above, discovery in this case is continuing in nature and the response to this interrogatory may evolve as NewSouth formulates the case it will present before the Commission.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 79: What are the rates that you contend the (Insert State Name) Public Service Commission should adopt in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: As indicated in the FCC Rule referenced above, rates must be set in accordance with the FCC UNE Pricing Rules. Furthermore, pursuant to ¶470 of the TRO, rates must be sufficiently low to overcome “impairment” and to allow CLECs to overcome the economic barriers associated with the hot cut process. See also response to Interrogatory No. 59, *supra*.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 80: What are the appropriate product market(s) that you contend the (Insert State Name) Public Service Commission should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: Discovery in this case is continuing in nature and any response to this interrogatory is premature. NewSouth is in the process of formulating the case it will present before the Commission and has not formulated a response to this interrogatory at this early stage in the proceeding.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 81: What are the appropriate geographic market(s) that you contend the (Insert State Name) Public Service Commission should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: See response to Interrogatory No. 80.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 82: Do you contend that there are operational barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(2) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such operational barrier, and state all facts and identify all documents supporting your contention.

Response: See response to Interrogatory No. 80.

REQUEST: BellSouth First Set of Interrogatories

DATED: October 9, 2003

Interrogatory 83: Do you contend that there are economic barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(3) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such economic barrier, and state all facts and identify all documents supporting your contention.

Response: See response to Interrogatory No. 80.

REQUEST: BellSouth First Set of Interrogatories

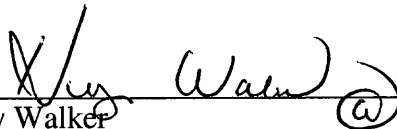
DATED: October 9, 2003

Interrogatory 84: What is the maximum number of DS0 loops for each geographic market that you contend requesting telecommunications carriers can serve through unbundled switching when serving multilane end users at a single location that the (Insert State Name) Public Service Commission should consider in establishing a "cutoff" consistent with FCC Rule 51.319(d)(2)(iii)(B)(4)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

Response: See response to Interrogatory No. 80.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:  \_\_\_\_\_  
Henry Walker  
414 Union Street, Suite 1600  
P.O. Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363

**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2003, a copy of the foregoing document was serviced on the parties of record, via US mail:

Guy Hicks  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201

Charles B. Welch, Esquire  
Farris, Mathews, et. Al  
618 Church St., #300  
Nashville, TN 37219

Timothy Phillips, Esquire  
Office of Tennessee Attorney General  
P. O. Box 20207  
Nashville, Tennessee 37202

H. LaDon Baltimore, Esquire  
Farrar & Bates  
211 Seventh Ave., N. #320  
Nashville, TN 37219-1823

James Wright, Esquire  
United Telephone – Southeast  
14111 Capital Blvd.  
Wake Forest, NC 27587

Martha M. Ross-Bain, Esq.  
AT&T Communications of the  
South Central States, LLC  
1200 Peachtree Street, Suite 8100  
Atlanta, GA 30309

Ms. Carol Kuhnow  
Qwest Communications, Inc.  
4250 N. Fairfax Dr.  
Arlington, VA 22203

Jon E. Hastings, Esq.  
Boult, Cummings, et al.  
P. O. Box 198062  
Nashville, TN 37219-8062

Dale Grimes, Esq.  
Bass, Berry & Sims  
315 Deaderick St., #2700  
Nashville, TN 37238-3001

Mark W. Smith, Esq.  
Strang, Fletcher, et al.  
One Union Square, #400  
Chattanooga, TN 37402

Nanette S. Edwards, Esq.  
ITC^DeltaCom  
4092 South Memorial Parkway  
Huntsville, AL 35802

  
\_\_\_\_\_  
Henry Walker